

NOTICES OF EXEMPT RULEMAKING

The Administrative Procedure Act requires the *Register* publication of the rules adopted by the state's agencies under an exemption from all or part of the Administrative Procedure Act. Some of these rules are exempted by A.R.S. § 41-1005 or 41-1057; other rules are exempted by other statutes; rules of the Corporation Commission are exempt from Attorney General review pursuant to a court decision as determined by the Corporation Commission.

TITLE 19. ALCOHOL, HORSE AND DOG RACING, LOTTERY, AND GAMING

CHAPTER 2. ARIZONA RACING COMMISSION

PREAMBLE

1. Sections Affected
R19-2-523
- Rulemaking Action
Amend
2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):
Authorizing statute: A.R.S. §§ 5-104(A)(2) and 5-104(T)
Implementing statute: A.R.S. § 5-111(A)
3. The effective date of the rules:
March 21, 1995
4. A list of all previous notices published in the *Register* addressing the exempt rule:
None published.
5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:
Name: Aikaterine Vervilos
Address: Arizona Department of Racing
15 South 15th Avenue, Suite 100
Phoenix, Arizona 85007
Telephone Number: (602) 542-5151
Fax Number: (602) 542-5177
6. An explanation of the rule, including the agency's reasons for initiating the rule, including the statutory citation to the exemption from the regular rulemaking procedures:
The amendments clarify the distribution of the Twin Quinella pool given the various orders of finish of a race and given the number of winning tickets held by patrons. The Commission initiated the changes to match the rule's intent with the rule's language. A.R.S. § 41-1005(18) grants the Commission an exemption from the regular rulemaking procedures.
7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:
Not applicable.
8. The summary of the economic, small business, and consumer impact:
The amendments impact the consumer by providing him/her a clearer understanding of the rule; therefore, he/she may decide to participate in the rule. Also, the amendments impact the racetracks by preventing a patron from insisting on a payoff even though the person does not deserve one because the rule, without the amendments, said the patron was supposed to receive one.
9. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):
Not applicable.
10. A summary of the principal comments and the agency response to them:
Not applicable.
11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:
Not applicable.
12. Incorporations by reference and their location in the rules:
Not applicable.
13. Was this rule previously adopted as an emergency rule?
No.
14. The full text of the rules follows:

TITLE 19. ALCOHOL, HORSE AND DOG RACING, LOTTERY, AND GAMING

CHAPTER 2. ARIZONA RACING COMMISSION

ARTICLE 5. PARI-MUTUEL WAGERING

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Section
R19-2-523 Calculation of Payoffs and Distribution of
Pools

R19-2-523 Calculation of Payoffs and Distribution of
Pools
A. No change

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 - 3. In the first Twin Quinella contest only, if there is a dead heat for first involving:
 - a. Contestants representing the same betting interest, those who selected the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish shall be winners; or -
 - b. Contestants representing two betting interests, the winning Twin Quinella wagers shall be determined as if no dead heat occurred; or -
 - c. Contestants representing three or more betting interests, those whose combination included any two of the betting interests finishing in the dead heat shall be winners; or -
 - d. If there are no such wagers, the entire pool shall be refunded for this contest.
 - 4. In the first Twin Quinella contest only, if there is a dead heat for second involving contestants

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representing two or more betting interests; ~~the Twin Quinella pool shall be distributed to wagers in the following precedence, based upon the official order of finish:~~

- a. ~~As a profit split to those~~ Those combining the winner with any of the betting interests involved in the dead heat for second shall be winners; but if there is only one covered combination, then
- b. ~~As a single price pool to those~~ Those combining the winner with the one covered betting interest involved in the dead heat for second shall be winners; but if there are no such wagers, then
- c. ~~As a profit split to those~~ Those combining the betting interests involved in the dead heat for second shall be winners; but if there are no such wagers, then
- d. ~~As a profit split to those~~ Those whose combination included the winner and any other betting interest and wagers selecting any of the betting interests involved in the dead heat for second shall be winners; but if there are no such wagers, then
- e. No change
5. No change
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 - d. No change
 - e. No change
 - f. As a single price pool or, if there is more than one winning combination, as a profit split in accordance with subsection (2), (3), or (4) as applicable, of the Twin Quinella rules.
6. In the second Twin Quinella contest only, if there is a dead heat for first, the entire net Twin Quinella pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish involving:
 - a. Contestants representing the same betting interest, the net Twin Quinella pool shall be distributed as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish.
 - b. Contestants representing two betting interests, the net Twin Quinella pool shall be distributed as a single price pool as if no dead heat occurred.
 - c. No change
7. No change
 - a. No change
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 - d. No change
 - e. No change
 - f. As a single price pool or, if there is more than one winning combination, as a profit split in accordance with subsection (2), (3), or (4), as applicable, of the Twin Quinella rules.
8. If a winning ticket for the first-half of the Twin Quinella is not presented for exchange prior to the close of betting on the second-half Twin Quinella

contest, the ticket holder forfeits all rights to any distribution of the Twin Quinella pool resulting from the outcome of the second contest unless otherwise specified in subsection (5), (7), or (12).

9. No change
 10. No change
 11. No change
 12. If the second-half Twin Quinella contest is cancelled or declared "no contest" after the conclusion of the first Twin Quinella contest, the net Twin Quinella pool shall be distributed as a single price pool to wagers selecting the winning combination in the first Twin Quinella contest and all valid exchange tickets. ~~If there is no such wagers, the net Twin Quinella pool shall be distributed as described in subsection (2) of the Twin Quinella rules.~~
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Notices of Exempt Rulemaking

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